

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT BOLT,

Petitioner,

v.

Case No. 06-14507

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

PATRICIA CARUSO, Director, STATE
OF MICHIGAN, MIKE COX, Attorney
General, T. MUNCHBACH, Case Manager,
DENNIS STRAUB, T. PALMER, BETTY
SMITH, Grievance Coordinator, H. ANSEL,
JUDY GREEN, Hearing Investigator, B.
McLEMORE, Acting Warden, JIM
ARMSTRONG, RICHARD STAPLETON,
S. BURKE, Hearing Officer, M. MAHONY,
Hearing Investigator, THOMAS M.
BIRKETT, Warden, MELODY WALLACE
and ARUS S. BEARSS,

Respondents.

ORDER DENYING REQUEST TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

This matter is before the Court on a document filed by the petitioner that has been construed as a request to proceed *in forma pauperis* on appeal. An appeal may be taken *in forma pauperis* if the appeal is taken in “good faith.” 28 U.S.C. § 1915(a); Fed. R. App. P. 24(a)(3)(A). “Good faith” requires a showing that the issues are arguable on the merits and are, therefore, not frivolous; it does not require a showing of probable success. *Harkins v. Roberts*, 935 F. Supp. 871, 873 (S.D. Miss. 1996) (quoting *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983)). “If the district court can discern the existence of any nonfrivolous issue on appeal, the movant’s petition to appeal in formal pauperis must be granted.” *Harkins*, 935 F. Supp. at 973. In the Court’s opinion and order dismissing the petition for mandamus, the Court concluded that the petition was frivolous. As such, the petitioner’s appeal is frivolous and cannot be taken in good faith.

Accordingly, it is **ORDERED** that the petitioner's request to proceed *in forma pauperis* on appeal [dkt #25] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 2, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 2, 2008.

s/Felicia M. Moses
FELICIA M. MOSES